1949

File No. Land Improvements III/49 (R)
Legal Department -

B **BRANCH**

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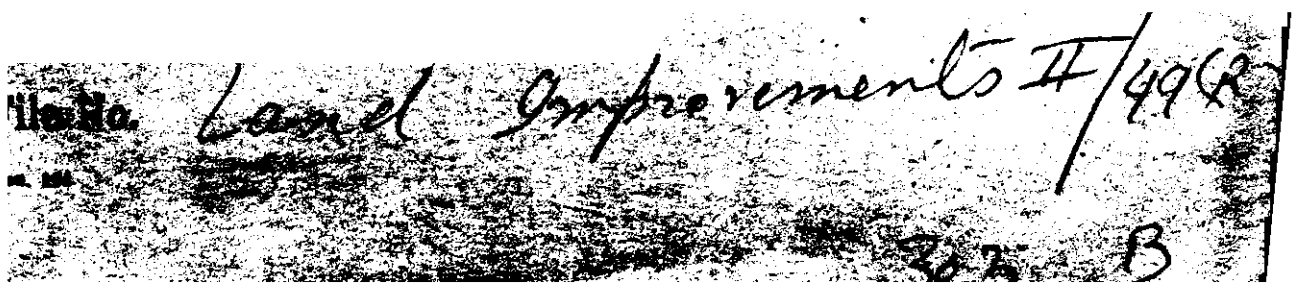
Subject:-

P 8E

Rules under the
Bombay Land Improvements
Scheme Act. 1942.



In A. Bill No. of 1949.

A Bill to amend the Bombay Land Improvement Schemes Act, 1942.

Bom. XXVIII of 1942.

~~Short title~~

WHEREAS it is expedient to amend the Bombay Land Improvement Schemes Act, 1942, for the purpose hereinafter appearing; It is hereby enacted as follows:-

Amendment of section 2 of Bom. XXVIII of 1942.

Bom. XXVIII of 1942.

Short title

1. This Act may be called the Bombay Land Improvement Schemes (Amendment) Act, 1949.

2. In section 2 of the Bombay Land Improvement Schemes Act, 1942 (hereinafter called the said Act), after clause (2C) the following new clause shall be inserted, namely:-

Amendment of section 4 of Bom. XXVIII of 1942.

"(2D) "Hariyali" means the weeding known as ---

X to be completed by R. D.

3. In section 4 of the said Act, in sub-section (1) after clause (viib) the following new clause shall be inserted, namely :-

" (viic) eradication of Hariyali;"

Madhav Ranjitsinh.
1/6. c/5.

816

K.S.R.
816

Local Department.

It is not necessary as pr posed to amend section 4 of the Bombay Land Improvement Schemes Act, 1942, for the purpose ~~that~~ of including eradication of "Hariyali" as an additional object for which a land improvement scheme can be framed. Clause (ix) of section 4 (1) of the Act provides that a land improvement scheme may make provision for such other matters not inconsistent with the objects of the Act as may be prescribed. The main object of the Act is to protect and improve lands and crops in the Province of Bombay (see preamble). Eradication of "Hariyali" would be a matter not inconsistent with the objects of the Act and can therefore be prescribed by a rule made thereunder No legislation for the purpose is necessary.

sd/- J.R.D.
10/3.

Additional Secretary to Government.

U. R to A. & R. D. D. No. 2758 dated the 10th March 1949.

Madhav Pradhan.
1/6. c/5.

FORM No. I
(see Rule 3).

Notice of publication of draft scheme

Notice of publication is hereby given of the scheme prepared in accordance with the provisions of section 4 of the Bombay Land Improvement Schemes Act, 1942, providing ——— ——— for the land described below and situate in the village of ——— in the ——— Taluka/Peta ——— district.

Survey number and other description of lands.	Nature of works to be carried out.

All persons affected by the scheme who wish to make any claims or to submit any objections to the said scheme should do so in writing or by appearing personally before the Land Assistant ——— who has been appointed as Inquiry Officer for the scheme on or before ——— at ———

Dated the ——— ——— day of 19

*Description of scheme

* Date not later than 21 days of publication of the scheme in the Bombay Govt. Gazette.

Signed.

Secretary of the Board.

Bombay Secretariat.
2/L. C/5.

FORM No. II
(see Rule 4)

Notice of publication of the scheme.

Notice is hereby given that the scheme providing for *_____ _____ for the land described below and situate at the villages of _____ the _____ taluka/petha _____ district, has been sanctioned the Board/ Provincial Government under sub-section (1) of section 9 of the Bombay Land Improvement Schemes Act, 1942. The Board has appointed _____ to execute it under sub-section (1) of Section 11 of the said Act.

* Description of lands. Works to be carried out.

* Description of scheme. Secretary of the Board.

Madhav Bhoktadar.
c/5. 2/6.

FORM No. III
(See Rule 5)

Village
Taluka or Petha
District.

Total cost recoverable Rs. As 1..
Total annual instalment.

S. No. and/or Sub-	Area	Assessment.	Nature of work done.	Total cost of work done.	Total amount to be recovered from Owner.	Period of recovery	Year from which recovery should begin.	Annual instalment.	Person or persons liable to maintain and repair work individually or jointly.	Remarks
1.	2.	3.	4.	5.	6.	7.	8	9	10	11.

Madhav Raokadam.
c/5. 2/6

FORM No. IV.
(See. Rule 6 (1)

Form of notice of entry upon land to be given to----

owners of
Occupiers of land under section 16
other persons interested in

To

A.B. Esquire.

Owner of
Occupier of
Mortgaged
Permanent tenant
or other persons interested
in

S. No.
Hissa No.
C.T.S.No.
Gaothan Plot No.

of village at of taluka/peths

district.

Notice is hereby given that I,_____

being duly authorised under section 16 of the Bombay Land Improvement Schemes Act, 1942, by the Board constituted under Section 3thereof Collector of

to enter upon and survey and mark out the land and do all acts necessary for the purpose of preparing, sanctioning and executing a/the scheme, or repairing or maintaining any works under a/the scheme, under the said Act intend to enter upon the land in the above mentioned
S.No.
Hissa No.
C.S. S. No
Gaothan Plot No.

for the said purpose at on or after dated

day of 19 person authorised by Board
Collector
under section 16 of the said Act.

By order of the Governor of B'bay,

L.Naokadem. c/5.2/6. Secretary to Government.

Legal Department.

The draft rules at pages 25-35 ante, as slightly amended are in order.

As regards the point raised in paragraph 4 of the Agriculture and Rural Development Department office note at page 21 ante, if there is no such Officer as the Land Improvement Officer in the Department, it will be necessary to amend the Bombay Land Improvement Schemes Act, 1942, for the purpose or to include the amendments of section 16 and 21 which contain reference to that Officer in the Repealing and Amending Bill which this Department will undertake. In the meanwhile Government can delegate the powers of the Land Improvement Officers under section 16 to the Soil Conservation Officer in exercise of their powers under section 21.

sd/- J.R.D.
6/6.

Additional Secretary to Government.

U. R. to A. R. D. D. No. 6317, dated the 7th June 1940.

Madhav Raokadam.
2/6. c/5.

Local Department.

Para. 3 of the A.R.D.D. office note:- The amendments of sections 16 and 21 of the Bombay Land Improvement Schemes Act, 1942, are being incorporated in the Repealing and Amending Bill which is under drafting in this Department.

2. Para. 5 of the A. R. D.D. note:- Form IV prescribes the form of the notice to be given by the person authorised under section 16 of the Act. As the "Divisional Soil Conservation Officer" has not been mentioned in section 16 as one of the authorizing officers, it would not be correct to refer to him either in rule 6 or in Form IV. The said rule and form have been amended accordingly.

sd/- J.R.D.
5/7.

Additional Secretary to Government.

U,R. to A.R.D.D.No. 7626, dated the 8th July 1949.

Madhav Raokadam.
2/6. c/5.